

REMARKS

Applicant has carefully studied the Office Action of May 3, 2005, and offers the following remarks to accompany the above amendments.

Applicant appreciates the indication by the Patent Office of allowable claims 1, 7-21, 23-29, and 33-48, and the indication that claims 30-32 are allowable but for their dependence on a rejected base claim.

Initially, Applicant amends the specification to correct a typographical error identified by the Patent Office in paragraph 0042, and to provide a patent number for an incorporated related patent application in paragraph 0002. No new matter is added, but the specification is now more complete. Applicant requests withdrawal of the objections to the specification at this time.

Claims 2-6 and 22 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. Applicant respectfully traverses.

Claims 2 and 3 were rejected for lack of antecedent basis. Applicant has amended claims 2 and 3 such that “said defined initial threshold vacuum level” is changed to “a defined initial threshold vacuum level” thereby removing the antecedent basis problem. Applicant requests withdrawal of the § 112 rejection of claims 2 and 3 at this time. Claims 4-6 were not specifically rejected except to the extent that they depend from claim 3. As claim 3 is allowable, claims 4-6 should be allowable. Applicant requests withdrawal of the § 112 rejection of claims 4-6 at this time.

Claim 22 was rejected because it was unclear whether the submersible turbine pump of the claim was different than the submersible turbine pump of claims 1 and 21. Applicant has made an amendment to clarify that this submersible turbine pump is the same as that of claims 1 and 21. Applicant requests withdrawal of the § 112 rejection of claim 22 at this time.

Claims 30-32 were objected to because of the use of the term “fluid” in claim 30 relative to the liquid detection sensor. The Patent Office’s suggested correction has been made through amendment to claim 30. Applicant requests withdrawal of the objection to claims 30-32 at this time.

The drawings were objected to because of a number of informalities. Specifically, Figure 1, at the top in the insert, used reference number “30” when reference number “32” should have been used. Applicant submits corrected drawings with the present response that corrects this error. No new matter is added.

Additionally, Figure 1 failed to show communication line 81 coupled to the sump liquid sensor 34 as described in paragraph 0030 of the specification. Figure 1 is amended to show communication line 81 coupling to the sump liquid sensor 34 as described in the specification. No new matter is added.

Figure 1 also failed to show any means of communicating a leak detected by the fuel dispenser sump sensor 18 to the tank monitor 62 or the site controller 64. Applicant amends Figure 1 so that communication line 81 is coupled to the fuel dispenser sump sensor 18. No new matter is added.

The drawings were further rejected under 37 C.F.R. § 1.83(a) as failing to show pressure sensors 60 located within the interstitial space 53 of the shear valve 52 and the interstitial space 58 of the branch conduit 50, as described in paragraph 0041 of the specification. Applicant initially notes that paragraph 0041 described alternate embodiments that are not specifically claimed (except by virtue of their inclusion in broader generic claims). Since the details described in paragraph 0041 are not specifically claimed (again, except by virtue of their inclusion in broader generic claims), 37 C.F.R. § 1.83(a) does not require inclusion of these details in the drawings. Specifically, 37 C.F.R. § 1.83(a) states:

The drawing in a nonprovisional application must show every feature of the invention specified in the claims. However, conventional features disclosed in the description and claims, where their detailed illustration is not essential for a proper understanding of the invention, should be illustrated in the drawing in the form of a graphical drawing symbol or a labeled representation (*e.g.*, a labeled rectangular box). In addition, tables and sequence listings that are included in the specification are, except for applications filed under 35 U.S.C. 371, not permitted to be included in the drawings.

Since the placement of the pressure sensor 60 in the interstitial spaces 53 or 58 is not specified in the claims, there is no requirement that this element be shown in the drawings. However, to expedite processing of the application, and because the feature is claimed generically in the broader claims, Applicant amends Figure 2 to show a pressure sensor 60 in the interstitial spaces 58 and 53. No new matter is added because the subject matter is fully supported by at least paragraph 0041 of the application as originally filed. Applicant requests withdrawal of the objection to the drawings at this time.

Applicant also amends claims 7, 10, 15-23, 25, 27-29, 37 and 43-48 to make the claim terminology consistent throughout the claim set. No new matter is added.

Applicant requests reconsideration of the rejections in light of the amendments and remarks presented herein. Applicant has corrected the minor errors identified by the Patent Office, and the application is now believed to be in condition for allowance. Applicant earnestly solicits claim allowance at the Examiner's earliest convenience.

Respectfully submitted,

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